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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/577,594	05/25/2000	Haruyasu Ueda	826.1606/JDH	7152

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EXAMINER
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ENG, DAVID Y

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 08/27/2004

18

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application(No.)

09/577,594

Applicant(s)

UEDA, HARUYASU

Examiner

DAVID Y. ENG

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 4-8, 12-16 and 18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 9-11 and 17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

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Claims 1-18 are pending in the application. Claims 4-8, 12-16 and 18 had been withdrawn from consideration. The active claims are 1-3, 9-11 and 17.

Applicants are suggested to cancel the withdrawn claims.

On page 6 of the communication filed on August 4, 2003, Applicants stated that another copy of the Costales et al. handbook is provided (IDS # 8 filed 8/4/2004) and requested the Examiner to consider the handbook. Applicants have never submitted a copy of the Costales et al. handbook. Rather, Applicants merely submitted an Amazon web page advertising the price of the Costales et. al. handbook. In the telephone interview on 3/23/2004 (paper number 11) Applicants acknowledged that it is the web page and not the Costales et al handbook that Applicants want to be considered. The web page has been considered by the Examiner but not the handbook.

Applicants are requested to identify the support of claims 2-3 and 10-11 in the specification in accordance with 37CFR1.75d1.

Claims 1-3, 9-11 and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

For proper antecedent basis, "the mail address" in line 6 of claim 1, line 5 of claim 9 and line 6 of claim 17 should be "mail address indicating a destination".

Scope of claims 2 and 10 is not clear in that it is not clear what "—to specify use of the processing method—" means.

With respect to claims 3 and 11, it is not clear how encryption is related to

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routing junk email.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-2, 9-10 and 17 are rejected under 35 U.S.C. 102(a) as being anticipated by Gabber (USP 6,591,291).

See at least column 1-3 in Gabber. With respect to claims 1, 9 and 17 Gabber teaches:

1. A device for blocking junk email, comprising:

a mail address extracting unit (inherent) extracting a mail address indicating a destination from received email;

a storing unit (the unit in Gabber which stores the filter, see filtering in line 24 of column 1, line 32 and 37 of column 3) registering a processing method (the filter) for the received email in correspondence with a particular destination mail address or destination address pattern; and

a mail processing unit (the processing unit which executes the filter program) matching the mail address of the received email and destination mail addresses or destination address patterns (see destination address in line 25 of column 1 and line 31 and 38 of column 3 in Gabber) registered in said storing unit, and processing the received email based on the processing method obtained as a result of the matching.

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With respect to claims 2 and 10, Gabber teaches:

the device according to claim 1, further comprising a specific unit (program counter for identifying the filter in the mail processing unit of Gabber) to specify use of the processing method for email having a particular property (a specific destination address).

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 3 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gabber (USP 6,591,291).

Encryption is well known in the art. See line 10 of column 3 in Gabber. If the filter of Gabber is encrypted, it would have been obvious to a person of ordinary skill in the art to have the encrypted filter interpreted so that the filter can be executed properly.

Any inquiry concerning this communication should be directed to DAVID Y. ENG at telephone number 703-305-9691.



DAVID Y. ENG  
PRIMARY EXAMINER